

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANGEL ENRIQUE NUNEZ ESCOBAR, *et al.*,

Plaintiffs.

v.

LEE GAINES, *et al.*,

Defendants.

Civil Action No. 3:11-cv-994

**JOINT DISCOVERY DISPUTE STATEMENT
PURSUANT TO LOCAL RULE 37.01(a)**

Plaintiffs and Defendants, through counsel, file this joint statement of disputed discovery matters pursuant to Local Rule 37.01(a). The details of the discovery dispute will be set forth more fully in Plaintiffs' Motion to Compel Release of Certain Audio Recordings of Plaintiffs' Depositions, but it is also summarized below.

Discovery in this case is set to close on February 12, 2013. To date, eight Plaintiffs have been deposed, six of whom testified at depositions in Spanish, where English-Spanish interpreters translated the questions from English into Spanish and the answers from Spanish into English.¹

During the course of these six depositions, and as the written transcripts reflect, Plaintiffs identified several problems with translation, both of questions and answers, including portions of Plaintiffs' testimony that were not ever translated by the interpreters on the record. Although counsel for Plaintiffs objected numerous times on the record on the basis of incorrect or

¹ Plaintiff Kimberly Custis's and Plaintiff B.B.'s depositions were conducted entirely in English. Plaintiffs David Salgado Figueroa, Angel Enrique Nuñez Escobar, Carlos Roberto Mendez Martinez, Eduardo Cahuec Garcia, Jesus Antonio Sanchez Villalobos, and Gerardo Morteo Mendez's depositions were conducted in English and Spanish via the use of interpreters.

incomplete translation, Plaintiffs' counsel could not object to every instance of an improper or mistaken or incomplete translation.

Counsel for Plaintiffs has conferred with counsel for the opposing parties, and with the court reporters of record during Plaintiffs' depositions. Beres & Associates have stated that they would release the audio recordings of Plaintiffs' depositions with the agreement of all parties.² The parties have discussed this matter in good faith effort to resolve by agreement the issues raised by Plaintiffs' motion, but have been unable to reach agreement. Counsel for Defendants Paul West and Crime Suppression Services has stated on the record that he had no objection to production of the audiotapes; however, these Defendants reserve the right to contest the use of said audiotapes at a later date, if necessary. Counsel for Defendants Greystar Real Estate Partners, LLC, Tritex Real Estate Advisors and Tracy Hall have objected to the release of the recordings. Counsel for Metro Defendants has stated that, because the court reporter requires agreement from all parties before releasing the audio recordings and at least one Defendant has already objected, the Metro Defendants have not taken a position on this matter at this time. Counsel for the ICE Defendants have not indicated a position on this matter.

The parties to this Joint Statement therefore jointly agree that the question before this Court on Plaintiffs' Motion to Compel Release of Certain Audio Recordings of Plaintiffs' Depositions is whether the audio recordings made by the court reporters of record of the six depositions at issue must be released to all parties in order to determine whether further action regarding accuracy is required.

² At the time of the filing of this motion, counsel for Plaintiffs was unable to reach Cristi Watson, LCR Premier Court Reporting Services, regarding the audio recording of the deposition of Plaintiff Angel Enrique Nuñez Escobar.

Counsel for Plaintiffs circulated this Joint Discovery Dispute Statement to all counsel on December 12, 2013. As of the filing of the instant Motion to Compel, counsel for ICE Defendants and counsel for Greystar/TriTex Defendants have not responded to the request for review or comment to the draft Joint Statement.

December 13, 2013

Respectfully submitted,

/s/ José J. Behar

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